

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CURTIS HARDY

§

VS.

§

CIVIL ACTION NO. 1:07-CV-615

T. C. OUTLAW, ET AL.

§

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Curtis Hardy, a federal prison, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against T. C. Outlaw, Byrd, and unidentified correctional officers.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the claims against T. C. Outlaw and the unidentified defendants.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

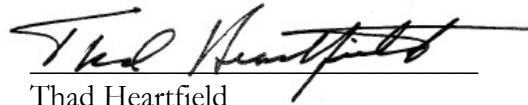
The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). Plaintiff has not demonstrated that T. C. Outlaw or the unidentified defendants were personally involved in the incident that forms the basis of this complaint. Plaintiff also failed to show that these defendants implemented a deficient policy that

was the moving force of the constitutional violation. Therefore, after careful consideration, the court concludes the objections are without merit.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A partial judgment will be entered in accordance with the magistrate judge's recommendation.

SIGNED this the 20 day of August, 2008.


Thad Heartfield
United States District Judge